



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2014-04

LEGISTAR #:20140276

PROPERTY OWNERS: HSR Properties, LLC
P. O. Box 76139
Atlanta, GA 30358

APPLICANT: Michael P. Landry, LLC
2655 Dallas Highway,
Suite 220
Marietta, GA 30064

PROPERTY ADDRESS: 346 & 354 Lawrence Street

PARCEL DESCRIPTION: Land Lot 12160, District 16, Parcels 0420 & 1210

AREA: 0.562 acres

COUNCIL WARD: 5A

EXISTING ZONING: R-4 (Single Family Residential 4 units/acre)

REQUEST: OIT (Office Institution Transitional)

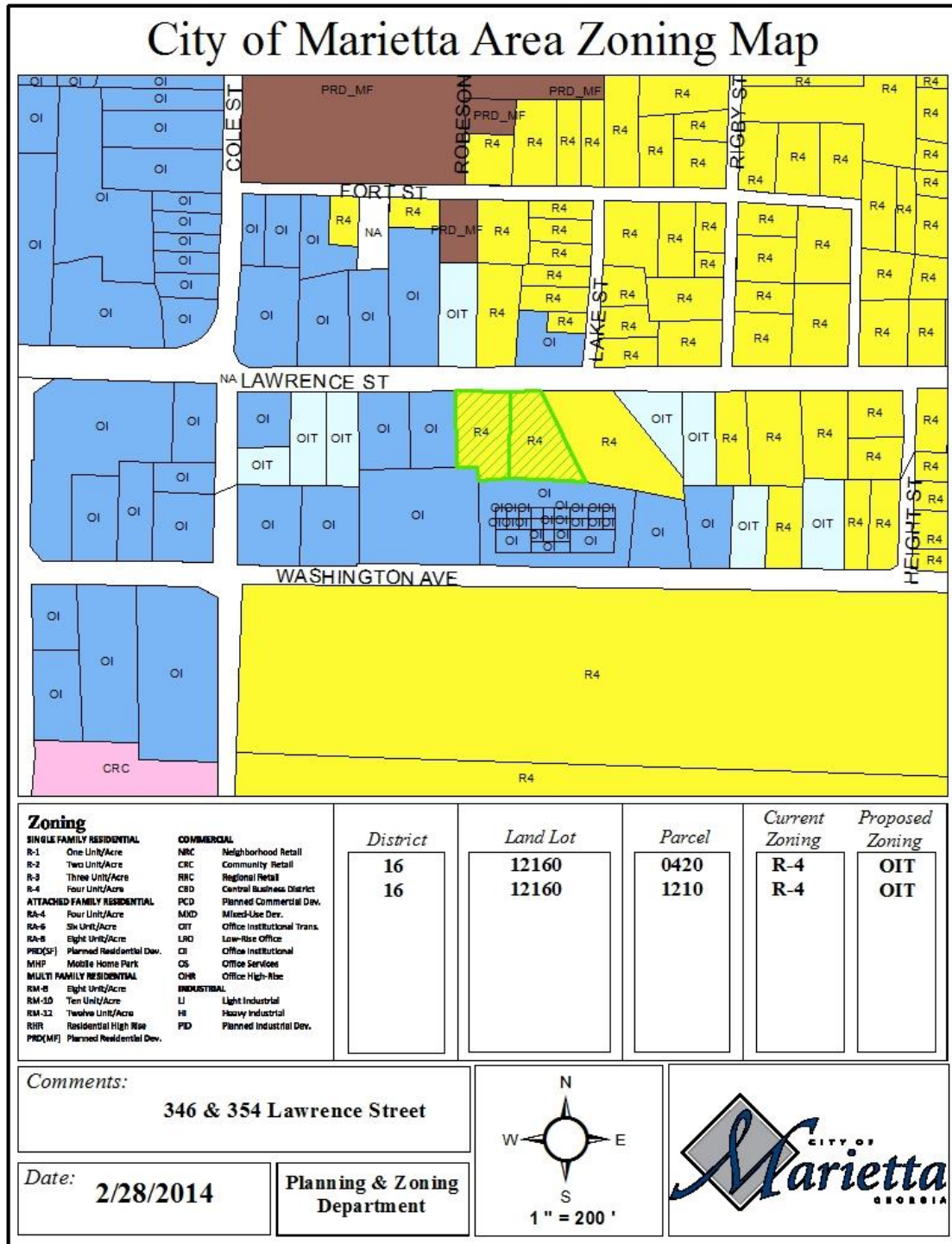
FUTURE LAND USE: MDR (Medium Density Residential)

REASON FOR REQUEST: The applicant is requesting the rezoning of these two parcels from R-4 to OIT so the existing structure may be renovated and expanded for potential office use.

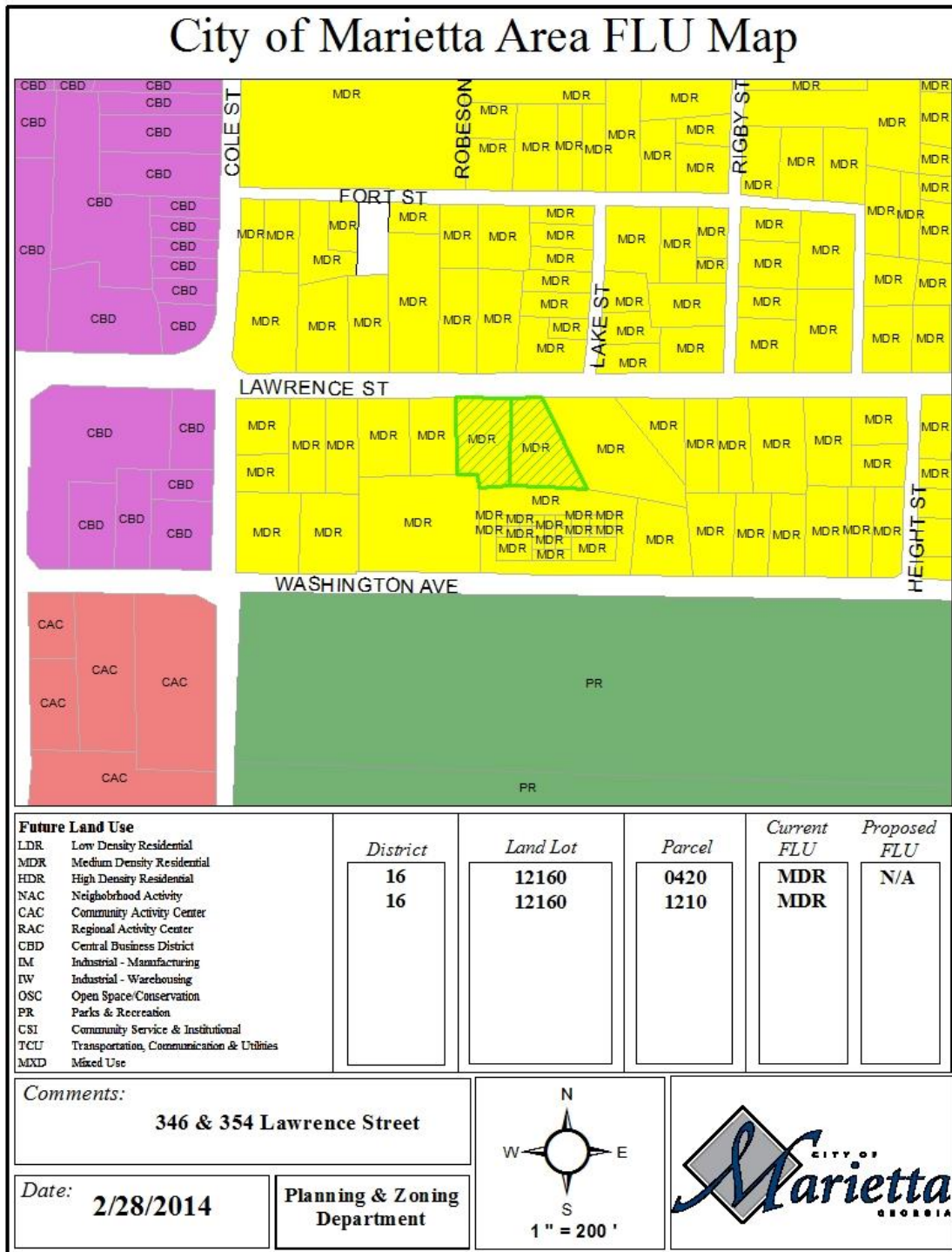
PLANNING COMMISSION HEARING: Tuesday, April 1, 2014 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, April 9, 2014 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



346 Lawrence Street



Residential property to the east



View of property to south from subject property



Front of subject property looking west

STAFF ANALYSIS

Location Compatibility

Michael P. Landry, LLC is requesting the rezoning of 346 & 354 Lawrence Street from R-4 (Single Family Residential – 4 units/acre) to OIT (Office Institution Transitional). Together the two parcels make up 0.562 acres. A boarded up home is located on 346 Lawrence Street while the home on 354 Lawrence Street was demolished in 2003. Attorney's offices, zoned OI (Office Institutional), are located to the immediate south and southwest of the subject property. Washington Avenue Commons, a mixed use development constructed under the Commercial Corridor Overlay District – Tier B standards, is located to the south and is also zoned OI. To the west is a single family home, zoned R-4, which has been vacant since 2009.

Use Potential and Impacts

The applicant is requesting the rezoning of these two parcels so that the existing 1,121 square foot structure may be renovated and a 1,685 square foot addition constructed for a potential office use. The site plan indicates that the existing driveway to the vacant property will be used and expanded in order to access the parking area in the rear of the site. Because it is comprised of two residential parcels, the site is spacious enough for the provision of a building addition and parking area without the need for variances.

Only existing structures previously used for residential purposes may be rezoned to OIT. This ensures that there is minimal disruption of the residential appearance of the area, despite the change in use. The elevations provided with the application show the renovated exterior of the existing home as well as the proposed exterior of the addition. Both elevations appear residential in nature and are compatible with the other structures in the immediate vicinity of the site.

The City has seen a few rezoning applications requesting residential structures be converted to low intensity office uses along the western portion of Lawrence Street and Washington Avenue in the past few years. The negative effects of low intensity commercial/office uses are minimal and generally revolve around the additional daytime traffic and parking required to accommodate a workplace.

A solid fence or wall is required whenever a property zoned OIT is located adjacent to property zoned residential. If this rezoning application is approved, a solid fence or wall would be required along the entire eastern property line. The applicant is showing on the submitted site plan a 6' wooden privacy fence. However, the City's Fence Ordinance (§710.04) does not allow a fence over 6' in height in a front yard. Due to this conflict, the following would be necessary in order to clarify the conflicting regulations:

- Variance to allow a 6' tall fence in the front yard and along the eastern property line. [§710.04 (D.)(1.)]



The City's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Medium Density Residential (MDR). The OIT zoning category is not compatible with this FLU designation. Should this property be rezoned, it would likely continue to encourage the rezoning of more residential parcels along Lawrence Street to an office category. Since so many parcels along this area are now zoned OI or OIT, it may be appropriate to reconsider the Future Land Use for this area. Reconsidering this area could help determine the best transitional point between the office uses and the neighboring residential homes and thus allow greater protection to those homeowners.

Environmental Impacts

There is no indication of any flood plain, streams, endangered species, or wetlands on this site. The Marietta Public Works Department has commented that there is a significant amount of drainage coming from Washington Avenue Commons to the south. This runoff will need to be collected and routed as part of this project.

Many of the larger trees to the rear of the property are covered in ivy. If these trees are to be counted for tree density, which would be verified during site plan review/permitting, there will need to be a plan in place to remove the growth from the trees.

Economic Functionality

The utilities for the remaining structure on the site were terminated in March 2006. Although the property has not been used since this time, it does not mean the property is not functional under the current zoning classification. Rather, the lack of maintenance and upkeep has likely made the home undesirable for potential tenants. Were the structure returned to a habitable state, the property would likely be functional as zoned. However, given rezoning requests in recent years, demand for this area does appear to be shifting to office-type uses.

Infrastructure

The site plan provided indicates the use of pervious pavers. City code limits the parking of vehicles onto brick, asphalt, or concrete surfaces only. The Public Works Department has allowed the use of pavers in certain instances, usually for overflow parking areas. However, in order to construct the parking area as shown on the submitted plan, the following variance would be necessary:

- Variance to allow the use of pervious pavers as an acceptable parking surface. [§716.08 (A.) and (B.)]

If this property is rezoned as requested, the City's Public Works Department will require additional right of way on Lawrence Street, as well as the replacement of the existing sidewalk with a 5' sidewalk and 2' grass strip. The backward shift of the front property line



will likely push the structure into the 30' front setback. However, rather than including a variance with the rezoning request, there are certain provisions within the zoning ordinance that allow flexibility in front setbacks. These are:

- If required parking is provided exclusively in the rear yard, then the required front yard setback may be reduced 50%. §716.07 (F.)
- Bulk and area requirements may be waived by the Director when an existing structure is converted to OIT use. §708.21 (G.4.)

Otherwise, this proposal should not adversely affect the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

There is no history of any variances, rezonings, or Special Land Use Permits granted for these properties.

Other Issues

There is currently an open code enforcement case (CE14-45) for exterior housing code violations. The violation report lists various issues needing repair, such as damaged stair treads, siding, flashing, floorboards, paint, trim, etc.

Should the requested zoning be approved, an exemption plat to formally consolidate the two parcels would be required prior to a building permit being issued for the building renovations.



ANALYSIS & CONCLUSION

Michael P. Landry, LLC is requesting the rezoning of 346 & 354 Lawrence Street from R-4 to OIT. The applicant is requesting the rezoning of these two parcels so that the existing 1,121 square foot structure may be renovated and a 1,685 square foot addition constructed for a potential office use. Most of the properties surrounding the subject property are zoned OI except for the property located directly to the east, which is zoned R-4 and contains a vacant home.

Only existing structures previously used for residential purposes may be rezoned to OIT. The elevations provided for the proposed structure appear residential in nature and are compatible with the other structures in the immediate vicinity of the site. In addition, the negative effects of low intensity commercial/office uses are minimal and generally revolve around the additional daytime traffic and parking required to accommodate a workplace.

The following variances would be necessary in order to develop the property according to the submitted site plan:

- Variance to allow a 6' tall fence in the front yard and along the eastern property line. [*§710.04 (D.)(1.)*]
- Variance to allow the use of pervious pavers as an acceptable parking surface. [*§716.08 (A.) and (B.)*]

The City's Comprehensive Plan designates the subject and adjacent properties as having a Future Land Use (FLU) of Medium Density Residential (MDR). The OIT zoning category is not compatible with this FLU designation. Since so many parcels along this area are now zoned OI or OIT, it may be appropriate to reconsider the Future Land Use for this area. Reconsidering this area could help determine the best transitional point between the office uses and the neighboring residential homes and thus allow greater protection to those homeowners.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?

Yes

If not, how far is the closest water line?

N/A

Size of the water line?

10 inch

Capacity of the water line?

Flow test required

Approximate water usage by proposed use?

Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?

Yes

Capacity of the sewer line?

8 inch
Available

Estimated waste generated by proposed development?

A.D.F Peak

Treatment Plant Name?

Cobb County

Treatment Plant Capacity?

NA

Future Plant Availability?

NA

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	Yes – drainage from condos above
Potential presence of endangered species in the area?	No

Transportation

What is the road affected by the proposed change?	Lawrence Street
What is the classification of the road?	Collector
What is the traffic count for the road?	No data available
Estimated number of cars generated by the proposed development? **	---
Estimated number of trips generated by the proposed development? **	---
Do sidewalks exist in the area?	
Transportation improvements in the area?	Yes
If yes, what are they?	Widening / Improvements to Lawrence Street



*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain. If 5000 square feet of new or replacement impervious, all aspects of stormwater management will be required. This will be determined when Site Plans are submitted.
- Per the Public Works Director, the Lawrence Street Right-Of-Way is to be increased to 25' from centerline. Quit Claim deed is required.
- A minimum 5' sidewalk with 2' grass strip is required along Lawrence Street. If additional ROW is necessary, then it will be required.
- There is significant drainage from southern properties (especially the Condos on Washington Avenue) above this site. Drainage will need to be collected and conveyed to storm drains at applicant's expense

EMERGENCY SERVICES

Nearest city or county fire station from the development?

Station 51 – 112 Haynes St.

Distance of the nearest station?

0.5 miles

Most likely station for 1st response?

Station 51 – 112 Haynes St.

Service burdens at the nearest city fire station (under, at, or above capacity)?

None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site?

Yes X

No

If not, can this site be served?

Yes

No